

Remarks

Rejection under 35 U.S.C. §112, first paragraph

On pages 2, paragraphs 1-3, the Examiner restates his telephone restriction requirement and notes Applicant's provisional election of Group I, claims 1-7. Applicant affirms herewith election of Group I, claims 1-7 without traverse. Claims 8-18 are withdrawn without prejudice. Claim 2 has been cancelled. New claims 19-32 have been added. Claims 1 and 2-6 have been amended for the sole purpose of adapting them to U.S. claim format.

Drawing amendments

Applicant requests herewith in a separate letter the Examiner's approval to amend Figure 1 to enter a legend that clearly identifies this Figure as prior art.

Rejection under 35 U.S.C. §112, second paragraph

In paragraphs 4 and 5, the Examiner rejects claims 1-7, under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In particular, the Examiner rejects the language "preferably for thermoplastic material" in line 2 of claim 1.

In response, Applicant has amended claim 1 to eliminate this language.

Rejection under 35 U.S.C. § 112, fourth paragraph and Objection under 37 CFR §1.75(c)

In paragraph 6, the Examiner rejects/objects to claims 2 and 7 under 35 U.S.C. §112, fourth paragraph and 37 CFR 1.75(c), respectively, as being of improper dependent form.

Applicant has cancelled claims 2 and 7. The subject matter of claim 7 is now covered by claim 32.

Rejections under 35 U.S.C. §103

In paragraphs 7 and 8, the Examiner rejects the claims under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,758,657 to Menzin et al. in view of U.S. Patent No. 5,702,797 to Sakakibara et al. and U.S. Patent No. 1,698,925 to Stickney.

The Examiner alleges that Menzin et al. discloses all the elements of claims 1 and 2, apart from (a) the extrusion of material through a roll nip formed by two rolls, and (b) the outward radial movement of the molding/demolding strips.

With regard to (b), the Examiner states that Menzin et al. teach the inward and outward radial movement of the strips (col. 5, lines 47-50), but teaches the inward movement for the nondestructive release of the formed undercut attachments. The Examiner alleges that in Menzin et al.'s process it is only important that the strip parts 29 move upwards with respect to strip parts 30 in order to nondestructively release the undercuts (Figures 10 and 11). The Examiner refers to Stickney for a teaching of the use of radially outward moving mold parts to eject molded materials from a roll (Figure 3). The Examiner alleges that in view of these teachings, it would have been obvious to modify Menzin et al.'s process to have strip parts 30 move radially outwards.

Menzin et al. teach an arrangement of radially movable spacer plates (30) and stationary mold plates (29). During the molding process, the spacer plates (30) are maintained in their outward position to form, in combination with the mold plates, molding units. The spacer plates (30) are retracted during the release of the molded plastic material.

Stickney is directed to the production of lath boards. During the production process Stickney's material is forced through two rolls which bring about the effect of a reciprocating press. Ejectors 49 are actuated to release the material from roll 7 and to assist in the secure transfer of the material to roll 8 (See Fig. 3 and page 3, lines 65-96).

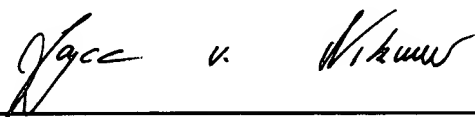
Applicant respectfully submits that there is no motivation to inverse Menzin's release mechanism nor any reasonable expectation of success if one were to do so. In fact, facilitating release of Menzin et al.'s molded material by an outward movement of the molding strip would place the plastic material under additional, potentially destructive, tension. Thus, the person skilled in the art would not only be not motivated to combine the references, but even if he/she were, he/she would expect such a combination to be disadvantageous.

Also, Stickney teaches the production of lath boards. Applicant submits that lath board production is not sufficiently related to the production of plastic panels to be considered analog art. See, e.g. In re Oetiker, 24 USPQ2d 1443 (Fed. Cir. 1992) (garment hooks considered non analog to preassembly "hook" to hose clamp). However, even if Stickney were analog art, the Stickney ejectors have a double function, namely releasing the material from roll 7 and transferring it to roll 8. In view of this double function, the use of an ejector is called for. Menzin's device is not concerned with fulfilling such a double function. Thus, a person skilled in the art would not have any motivation to consult Stickney to replace Menzin's retraction mechanism.

Applicant also notes that the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness (See MPEP §2143.01).

With regard to claim 6, The Office claims that while Menzin et al. do not teach coextrusion of the plastic panel with another material, such coextrusion would be obvious in view of Sakakibara et al., Applicant respectfully submits that the feed passages (37, 38) of Menzin et al.'s die (35) directly interact with the mold wheel. Considerable effort is taken to keep the die in this position (see column 4, starting on line 52). Thus, modifying Menzin et al.'s device to allow for coextrusion of another material would be difficult, if not impossible. Accordingly, the suggestion or motivation to make the proposed modification of Menzin et al. is lacking. See also MPEP §2143.01.

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